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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

LAURA VANCE,

Plaintiff,

vs.

MARK T. CASE, and JANE DOE  
CASE, husband and wife; SUTTELL &  
HAMMER, P.S., SUTTELL &  
ASSOCIATES, P.S., CAITLIN R.  
FINLEY and JOHN DOE FINLEY,  
wife and husband, and MALISA L.  
GURULE and JOHN DOE GURULE,  
wife and husband,

Defendants.

Case No.: CV-10-036-LRS

DECLARATION OF PLAINTIFF  
LAURA VANCE IN SUPPORT OF  
MOTION FOR SUMMARY  
JUDGMENT

I, Laura Vance, declare under penalty of perjury, as provided for by the laws  
of the United States, 28 U.S.C. § 1746, that the following statements are true:

DECLARATION OF PLAINTIFF  
LAURA VANCE IN SUPPORT OF

MICHAEL D. KINKLEY P.S.  
4407 N. Division, Suite 914  
Spokane Washington 99207

1. I am the Plaintiff in this matter.
2. My account with HSBC Bank Nevada N.A. was for an old defaulted credit card debt.
3. In late July 2008, I received notice that the Defendants garnished my employer.
4. After I received notice of the garnishment, my husband and I contacted Suttell & Associates for payment instructions to pay the debt in full.
5. Defendant Malisa Gurule provided my husband and me with an address and instructed us to mail a cashier's check for the full amount of the Judgment.
6. On August 20, 2008, my husband Michael M. Vance cashed out his pension and obtained a cashier's check payable to Suttell & Associates, P.S. in the amount of \$3,610.57.
7. Attached as Exhibit "2" is a true and correct copy of the cashier's check mailed to Suttell & Associates, P.S.
8. On August 20, 2008, my husband and I mailed the cashier's check to Suttell & Associates, P.S. and included a copy of the Writ of Garnishment served on my employer. The envelope provided my return address.
9. On December 8, 2008, my husband called Suttell & Associates, P.S. spoke with Defendant Mark Case and told him the garnishment should be released

1 because the Judgment was paid in full. Defendant Mark Case demanded  
2 proof.

3  
4 10. Later that day, my husband faxed a copy of the cashier's check to Suttell &  
5 Associates with a handwritten remark "Attn: Mark Case".

6 11. Attached as Exhibit "5" is a true and correct copy of the cashier's check  
7 faxed to Suttell & Associates "Attn: Mark Case".  
8

9 12. Defendant Mark Case left my husband a voicemail acknowledging that the  
10 check was applied to another account and that it should have been applied to  
11 my account.  
12

13 13. On December 9, 2008, Defendant Mark Case left the following message  
14 with my husband, "Mr. Vance, Mark Case with Suttell & Associates  
15 returning your phone call, please give me a call back 425-455-8220. I'm at  
16 extension 108. If I do not answer your call, please leave your wife's first  
17 name as well because I believe that was the account this was under. We did  
18 find your payment... um, it looks like it applied to an account under your  
19 name it provided for settlement on that account but I'm not sure what  
20 happened with the other one. Again 425-455-8220 extension 108. Thank  
21 you. Bye."  
22

23  
24 14. On April 2, 2009, I appeared with my husband at the Spokane County  
25 Superior Court.

1 15. My husband and I incurred mileage expenses and were both forced to take  
2 time off of work to appear at the April 2, 2009 hearing.

3  
4 16. Defendant Mark Case appeared on behalf of HSBC at the April 2, 2009  
5 hearing.

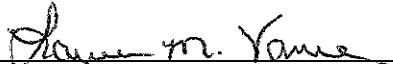
6 17. My husband and I again told Defendant Mark Case that the HSBC Judgment  
7 had been paid in full.

8  
9 18. On November 12, 2009, my husband and I appeared at the Spokane County  
10 Superior Court with our attorney and requested a hearing to determine if the  
11 elements of RCW 50.12.070 were met. Defendant Mark Case objected to the  
12 hearing. The Court declined to hold a hearing on that date and continued the  
13 matter to November 18, 2009.

14  
15 19. My husband and I incurred mileage expenses and were both forced to take  
16 time off of work to appear at the November 12, 2008 hearing.

17  
18 20. My husband and I incurred mileage expenses and were both forced to take  
19 time off of work to appear at the November 18, 2008 hearing.

20 Dated this the 14<sup>th</sup> day of July, 2011.

21  
22  
23   
24 Laura Vance  
25 Plaintiff

CM/ECF CERTIFICATE OF SERVICE

I hereby certify that on the 9<sup>th</sup> day of August, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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*Michael D. Kinkley P.S.*

s/Scott M. Kinkley

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